

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X
CHORD ASSOCIATES LLC, JOPAL :
ENTERPRISES LLC; and BARBARA M. SAEPIA, :
Plaintiffs, : 07 CV 5138 (JFB)(AKT)
:-----
-against- :
:-----

PROTECH 2003-D, LLC; AMTAX HOLDINGS 520, :
LLC; PROTECH HOLDINGS 128, LLC; CAPMARK :
AFFORDABLE EQUITY HOLDINGS INC.; :
CAPMARK FINANCE INC. (formerly known as :
GMAC COMMERCIAL MORTGAGE :
CORPORATION), its successors and assigns; :
CAPMARK CAPITAL INC. (formerly known as :
GMAC COMMERCIAL HOLDING :
CORPORATION), its successors and assigns,

Defendants.

-AND-

AMTAX HOLDINGS 520, LLC, PROTECH 2003-D, :
LLC and PROTECH HOLDINGS 128, LLC,

Counterclaim-Plaintiffs,

-against-

CHORD ASSOCIATES LLC, BARBARA M. :
SAEPIA, JOPAL ENTERPRISES LLC, and JOPAL :
ASSOCIATES INC.,

Counterclaim-Defendants.

----- X
STIPULATION

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ MAY 07 2009 ★

LONG ISLAND OFFICE

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned counsel
for the parties as follows:

1. Plaintiffs have represented that they have filed all necessary papers to cancel the Notice of Pendency dated March 24, 2009, in connection with the real property located at 409 Wyandanch Avenue, in the Town of Babylon, Suffolk County (the "Property"), and Plaintiffs

shall not file or attempt to file any further Notice of Pendency in connection with the Property and/or this Action.

2. Defendants consent to the filing of Plaintiffs' Amended Complaint in the form submitted to the Court on April 22, 2009, except object to Plaintiffs' demand for a jury trial. Defendants expressly reserve their objections to, and their rights to seek to strike, Plaintiffs' jury demand.

3. Defendants shall answer or move with respect to Plaintiffs' Amended Complaint within 10 days of the Court's entry of this order.

4. Plaintiffs shall electronically file and serve any opposition to Defendants' motion to amend their Counterclaims and to join Roland Conde as an adverse party on or before May 5, 2009. Defendants shall electronically file and serve any reply in connection with the motion on or before May 11, 2009.

LAW OFFICES OF ANDREW S. DONNER

By: Andrew S. Donner
25 Newbridge Road, Suite 420
Hicksville, New York 11801
(516) 605-1108

SO ORDERED *5/7/09*

Honorable Joseph Bianco, U.S.D.J.

Dated: May 7, 2009, 2009

FOLEY & LARDNER LLP

By: Catherine McGrath
Catherine McGrath
90 Park Avenue
New York, New York 10016
(212) 338-3541

shall not file or attempt to file any further Notice of Pendency in connection with the Property and/or this Action.

2. Defendants consent to the filing of Plaintiffs' Amended Complaint in the form submitted to the Court on April 22, 2009, except object to Plaintiffs' demand for a jury trial. Defendants expressly waive their objections to, and their rights to seek to strike, Plaintiffs' jury demand.

3. Defendants shall answer or move with respect to Plaintiffs' Amended Complaint within 10 days of the Court's entry of this order.

4. Plaintiffs shall electronically file and serve any opposition to Defendants' motion to amend their Complaints and to join Roland Conde as an adverse party on or before May 5, 2009. Defendants shall electronically file and serve any reply in connection with the motion on or before May 11, 2009.

LAW OFFICES OF ANDREW S. DONNER

FOLEY & LARDNER LLP

By: 
Andrew S. Donner
25 Newbridge Road, Suite 420
Hicksville, New York 11801
(516) 605-1108

By: 
Catherine McGrath
90 Park Avenue
New York, New York 10016
(212) 338-3541

SO ORDERED:


Honorable Joseph A. S. D.J.

Dated: May 7, 2009, 2009